IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23314 of 2004

Between:

Rameswaram Coop Join Farming Society rep by its President Sri Angadi Kaliswamy, Regd.No.307, Rameswaram, Komaragiripatnam, Grampanchayat, Allavaram(M), East Godavari Dist.

... PETITIONER

AND

1 The Principal chief Conservator of Forests
Aranya Bhavan, A.P., Saifabad, Hyderabad.
2 The Conservator of Forests, East Godavari at Rajahmundry.
3 The District Forest Officer, Kakinada Division, Kakinada.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents, the 3rd respondent in particular in issuing the Tender Notice bearing Ref No.11304/2004, Dated 7-12-2004 in so far as it relates to the item at SI.No.6 i.e. Komaragiripatnam, Visweswara VSS bearing plantation No.1193 CP as arbitrary, illegal and violative of principles of natural justice and also violative of Articles 14,16 and 21 of Constitution of India and consequently set aside the same holding the petitioner society as entitled for the usufructs of the plantation No.1993 CP and pass such other order or orders.

Counsel for the Petitioner: MR.S.SHARAT KUMAR

Counsel for the Respondents: GP FOR FORESTS

The Court made the following order:

ORDER:

Petitioner-Society questions the action of the third respondent – District Forest Officer in issuing the Tender Notice bearing

Ref No.11304/2004/L dated 07.12.2004 insofar as it relates to Sl.No.6 i.e., Komarangipatnam, Visweswara VSS bearing Plantation No.1193 CP as arbitrary and illegal on the ground that the petitioner-society is entitled for the usufructs of the Plantation No.1193 CP.

It is stated that the members of the petitioner-society have undertaken agriculture and fishing as their profession and they have started cultivation of 80 acres of land adjacent to Komarangipatnam Village by raising Casurina plantation trees. While so, the Government issued G.O.Ms.No.224 dated 11.11.1993 proposing to undertake Joint Forest Management with Vana Samrakshana Samithies. As per Clause-G of the said G.O., Vana Samrakshana Samithies have been given usufructory rights on the condition that the said Samithies discharge their duties and responsibilities in accordance with the policy envisaged under the Government Order. It is stated that the petitioner-society is involved in the joint farming in respect of 80 acres of land situated in R.S.No.1666, 1667, 1668 and 1669 in Rameswaram, Hamlet of Komarangipatnam and therefore they are entitled for the usufruct of the said Casurina trees.

A counter has been filed stating that tender notice dated 07.12.2004 has been issued by the Department inviting sealed tenders for cutting and removal of poles, Vasams, Bajus etc., from 6 Vana Samrakshana Samithies. As far as item No.6 is concerned, the petitioner-society raised a dispute contending that the petitioner-society is also a member of the Vana Samrakshana Samithi formed under the Joint Forest Management. As per the G.O.Ms.No.224 dated 11.11.1993 the Joint Forest Management concept has been introduced in regeneration of degraded forests with the help of committed voluntary agencies/NGO's with proven track record particularly well suited for motivating and organizing village communities for protection, afforestation and development of the

degraded forest land, especially in the vicinity of the habitations. Petitioner-society is not a Vana Samrakshana Samithi under the Joint Forest Management concept approved under Government of India policy i.e. Joint Forest Management vide G.O.Ms.No.224/E.F.S, dated 11.11.1993. The petitioner-society never indulged in Vana Samrakshana Samithi activities. The petitioner-society has not approached Forest Department authorities for enrolling them as Vana Samrakshana Samithi member.

In view of the disputed question that the petitioner-society is not at all a member of the Vana Samrakshana Samithi and in the absence of any documentary evidence filed by the petitioner-society to show that it is also a member of the Vana Samrakshana Samithi, I am of the opinion that the petitioner-society, without laying any factual foundation to show that it is a member of the Vana Samrakshana Samithi, is not entitled for any relief.

Accordingly, the writ petition is dismissed vacating the interim order granted earlier. No costs.

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V. ESWARAIAH, J

March 4, 2005

Dsk

To

1 The Principal chief Conservator of Forests, Aranya Bhavan, A.P.,

Saifabad, Hyderabad.
2 The Conservator of Forests, East Godavari at Rajahmundry.
3 The District Forest Officer, Kakinada Division, Kakinada.

4 Two CCs to GP For Forests, High Court Buildings, Hyderabad (OUT)

5 Two CD Copies.